

VZCZCXRO0324
PP RUEHROV
DE RUEHDS #1420/01 1291638
ZNY CCCCC ZZH
P 091638Z MAY 07
FM AMEMBASSY ADDIS ABABA
TO RUEHC/SECSTATE WASHDC PRIORITY 6047
INFO RUCNIAD/IGAD COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHMFISS/CJTF HOA PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKDIA/DIA WASHINGTON DC PRIORITY
RHMFISS/HQ USCENCOM MACDILL AFB FL PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 04 ADDIS ABABA 001420

SIPDIS

SIPDIS

DEPARTMENT FOR AF, AF/E, AF/PD AND DRL:S.JOSEPH

E.O. 12958: DECL: 05/09/2017

TAGS: [PGOV](#) [PHUM](#) [KJUS](#) [ET](#)

SUBJECT: ETHIOPIA: IMPRISONED CUD LEADERS AND PRIME
MINISTER STILL TALKING ABOUT CLEMENCY DEAL

REF: A. ADDIS ABABA 3130

[1](#)B. ADDIS ABABA 1104

Classified By: PAO ANTHONY FISHER. REASON: 1.4. (D)

[1](#)1. (C) SUMMARY. On April 30, a signed admission by detained Coalition for Unity and Democracy (CUD) Chairman Hailu Shawel and Addis Ababa mayor-elect Berhanu Nega, accepting collective responsibility for their membership's actions which led to loss of life and damage to property during the civil disturbances of November 6, 2005, was given to Professor Ephraim Isaac, head of the Ethiopian Elders team negotiating their release from detention (ref A). This significant advance made by the Ethiopian Elders to free the detainees was marred by 11 members of the CUD executive committee's subsequent refusal, one day after Hailu Shawel and Berhanu Nega signed the agreement, to sign an additional GOE mandated paragraph, in which the executive committee was required by the GOE to accept individual responsibility for their actions. Post continues support for the negotiations between the detainees and the GOE, which are ongoing. Ultimately, the goal is for the detained opposition leaders to get out of jail and return to politics, if they wish. The bottom line for Prime Minister Meles is for the detainees to work within the constitution. The PM still has a tough road ahead keeping his own hardcore Tigrayan People's Liberation Front (TPLF) party in line. END SUMMARY.

A BREAKTHROUGH...

[1](#)2. (C) On May 1, Professor Ephraim Isaac, lead negotiator among the Ethiopian elders entrusted by both the GOE and the detainees to mediate a solution to the imprisoned CUD leaders, visited them with a draft proposal that was crafted during weeks of consultations with CUD leaders and financial backers of the CUD in the Diaspora. According to Ephraim, versions of the text had previously been sent to the detainees by the Diaspora CUD leaders, and after additional annotations by Berhanu Nega in his presence, Professor Ephraim reports that Hailu Shawel chaired a meeting and the revised text was unanimously approved by all 11 CUD executive committee members present. The document was then signed by both Hailu Shawel and Berhanu Nega.

THE AGREEMENT

¶3. (C) The agreement addressed to Professor Ephraim and the United Elders reads in translation (from Amharic-language original) as follows:

BEGIN TEXT.

Additional thoughts to the agreed points of understanding presented by the United Elders to the Government and the Coalition for Unity and Democracy (CUD) in December (of 2005).

¶1. The Government is deeply saddened by the disturbances that occurred following the elections and the subsequent loss of life and damage to property. The Government gives assurances that it will continue with the efforts it has started to make the necessary adjustments/rectifications by investigating the process.

¶2. The CUD leaders also express their deep sorrow over the loss of life and property damage that ensued following the elections.

¶3. Furthermore, we accept that activities carried out on the part of some of the members and supporters of our party, whether knowingly or inadvertently and outside the constitutional system, to change the legally established bodies during the political chaos that followed the 2005 elections, were wrong. The leadership of the CUD takes the responsibility for the mistakes committed, and asks pardon of the people of the country and elders, and the Ethiopian Government in their goodwill. And for this:

¶4. The CUD leaders pledge that there will be no attempt by the Coalition for Unity and Democracy (CUD), now or in the

ADDIS ABAB 00001420 002 OF 004

future, to overthrow the constitutional system by force. They also affirm that they will all live up to their obligations by respecting the constitution and by ensuring the respect of the constitution.

¶5. Both sides will strive to end all mud-slinging over any media.

¶6. To resolve the political misunderstanding between the Government and political forces, with country elders and experts, both sides agree that a good solution will be arrived at after convening national dialogue/discussions for peace and understanding.

¶7. We respectfully request that not only those indicted under the file charges of Hailu Shawel et. al., but also all those indicted under similar file charges, be released from prison at the same time.

Signed Hailu Shawel Berhanu Nega

END TEXT.

THE BRIDGE TO FREEDOM

¶4. (C) NOTE. During months of negotiations by the Elders (ref A), the detainees had steadfastly refused to acknowledge that they and other CUD members were complicit in the violence and loss of property, nor did they assume personal responsibility or a willingness to apologize to the government. In December of 2006, the CUD leaders drafted a statement (signed by Hailu Shawel, Berhanu Nega, Bertukan Medeksa, Hailu Araya, Mesfin Woldemariam and Yacoub Hailemariam) which they presented to the Elders. In it, they expressed regret for the loss of life and property, but did not accept that they were individually complicit in causing the mayhem. It also made no apology to the government, but instead did so to the Elders and people of Ethiopia. Professor Ephraim informed

the PAO, that after reading it to the PM, PM Meles rejected it as insufficient. The current addendum, specifically items 3 and 4, explicitly incorporates key points missing from the December 2005 agreement. END NOTE.

SIGN THIS AND LEAVE PRISON.

15. (C) Professor Ephraim informed the PAO that he read the text of the addendum to the PM who accepted the language as adequate. According to Ephraim, the PM then said that in order to secure their release, each member of the CUD executive committee would need to sign a corollary paragraph in which they accepted individual responsibility for their actions. Ephraim said that the PM reminded him of a fax that the PM sent Ephraim with that specific requirement, several months prior to Ephraim's most recent visit to the prison. The text of the government's paragraph follows:

BEGIN TEXT.

May 1, 2007

To Professor Ephraim and Country Elders:

We, the undersigned leaders of the Coalition for Unity and Democracy (CUD), declare that members of the leadership of the CUD believe and accept that our attempt to unconstitutionally change the government bodies set up by the constitution, following the May 2005 elections was a mistake, and that the CUD leadership takes the responsibility for the actions. And for this wrong that we committed, we ask pardon/forgiveness from the Ethiopian government and people.

We affirm that in the future, we will not participate in this kind of activity and that we will fulfill our obligation properly to respect and ensure the respect of the constitution.

END TEXT.

ADDIS ABAB 00001420 003 OF 004

SIGNER'S REMORSE

16. (C) Professor Ephraim said that he returned to Kaliti prison on May 1 with a government prepared paragraph, closely reflecting the CUD agreement above. According to Ephraim, when he tried to obtain the signatures of the 11 CUD executive committee leaders, they refused to sign because they considered the wording unacceptable. Ephraim said that individual executive committee members felt that they could not be held personally responsible for the criminal acts of an indeterminate number of their followers. After being approached by Shawel Hailu, son of Hailu Shawel, Professor Ephraim returned on May 5, accompanied by Tameru Asegnehu, a former Supreme court judge whom Shawel Hailu recommended as trustworthy and capable of explaining the legal ramifications of signing the release document to the detainees. (NOTE. Judge Tameru had mounted a campaign to get due process for the detainees when they were initially arrested, but when they decided against defending themselves, he stood down. He is also on record as opposing the CUD decision not to go into parliament immediately after May 2005 national elections. END NOTE.)

LEGAL AID

17. (C) According to Ephraim, Tameru told the group that given that they had already signed the April 30 addendum, they could easily sign the government's paragraph. Defendant

Bertukan Medeksa, who is a former high court judge, agreed with Tameru's assessment, according to Ephraim, but said that the mistake that they had made was having had Hailu Shawel and Berhanu Nega sign the agreement several days prior. Hailu Shawel, according to Ephraim, told the group of 11 CUD executive committee members present that they could not go back on their word. Ephraim said that Berhanu Nega then asked him to return the document Berhanu and Hailu had signed a day earlier, at which point Ephraim said he told Berhanu that he did not have the original with him.

THE LAST HURDLE: COLLECTIVE VS. INDIVIDUAL RESPONSIBILITY

18. (C) Judge Tameru in a post-visit assessment of his time with the detainees, told the PAO that the wording of the text that the CUD leaders signed assumed 'precarious' (collective) responsibility for the actions of their members. According to Tameru, this ran counter to the requirement for the assumption of individual responsibility by each executive committee member that the government wants. He opined, however, that these positions were bridgeable, first with magnanimity on the part of the government, since the above agreement meets all the conditions which the GOE has long demanded. However, if that was not possible, Judge Tameru said that with the change of one/one syllable in Amharic, a solution could be achieved. He said that the government text reads in part, 'what we have done' ('ya deregno' in Amharic) and the more generic text preferred by the detainees could read, 'what has been done' ('yete deregno' in Amharic) in order to induce the detainees to sign. Tameru expressed a desire to mediate the distance between the GOE and the prisoners' positions.

19. (C) COMMENT. The current glitch reflects previously seemingly intractable positions taken by both sides. With time and concerted effort by the Ambassador and the Elders, after much protest to the contrary, both sides have reached the current agreement, unthinkable months ago. The one constant these many months is the PM's insistence that the CUD leaders take individual responsibility for the civil unrest of November 2005 and apologize to the Government for their actions. The tremendous distance both sides have come since negotiations began in November 2005, is a positive indicator that both sides desire a negotiated solution. Post will continue to vigorously support the Elders process to get a quick conclusion before the trial of the defendants (ref B) resumes on June 1, now that the major hurdles have been surmounted.

110. (C) The Prime Minister has gone a long way to get his

ADDIS ABAB 00001420 004 OF 004

hardcore TPLF party in line behind a clemency deal with the detainees. The TPLF is not happy, but the PM is committed to a clemency deal, if one can be reached. The detainees have moved a long way towards negotiating with the PM. We will continue to push for a deal quietly and privately. No other foreign embassy is involved; only the U.S. END COMMENT.
YAMAMOTO